

REMARKS/ARGUMENTS

Claims 1-23 remain in this application.

Claims 1, 4-5, 8, 12, 13, 16, and 21 have been rejected under 35 USC 102(e) as being anticipated by U.S. Patent Application 2003/0103449 A1 to Barsheshet et al. (“Barsheshet et al.”).

Claims 2-3, 9-11, 17, and 18 have been rejected under 35 USC 103(a) as unpatentable over Barsheshet et al. in view of U.S. Patent Application 2003/0048754 to Bruckman.

Claims 7, 15, and 23 have been rejected under 35 USC 103(a) as unpatentable over Barsheshet et al. in view of Bruckman in view of “Architectural Issues for Robust Access” to Medard, et al. (“Medard”).

Claims 19-20 have been rejected under 35 USC 103(a) as unpatentable over Barsheshet et al. in view of Bruckman in view of “Data and Computer Communications” to Stallings.

Claims 6, 14 and 22 have been indicated to include patentable subject matter.

The Examiner has provided a copy of the Barsheshet et al. provisional application 60/333,936 and has verified support for priority for the provisional.

Having now received the provisional material and this verification of priority support from the Examiner, Applicant submits herewith a Declaration under 37 CFR 1.131.

It is submitted that the Declaration evidences conception of the present invention before the filing date of the Barsheshet et al. provisional application, coupled with diligence in filing of a patent application on the present invention, since Applicant was in the process of completing the present patent application at the time the Barsheshet et al. provisional was filed.

Since the Declaration is believed to show Applicant’s invention before the priority date of the Barsheshet et al. application, it is requested that the Barsheshet et al. application be withdrawn as a prior art reference, as provided in 37 CFR 1.131.

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

ALCATEL

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/V. Lawrence Sewell/

V. Lawrence Sewell

Reg. No. 22,753

Alcatel
Intellectual Property Department
3400 W. Plano Parkway, M/S LEGL2
Plano, TX 75075
Phone: (972) 519-3735
Fax: (972) 477-9328